

Garrison Presents Brief to Back Court Subpena

Says U. S. Official Tries
to Take Right

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By BOB USSERY

Dist. Atty. Jim Garrison charged Tuesday that the United States attorney general has attempted to take from the courts a right to determine who will appear before grand juries.

Garrison, in an answer to a federal move to prevent FBI agent Regis Kennedy from testifying, also said the attorney general cannot assume what questions are going to be asked of a witness.

Kennedy was subpoenaed to testify last week, presumably in connection with Garrison's assassination investigation; but U.S. attorneys filed a motion to quash the subpoena.

Their contention was that Kennedy's testifying is precluded by a justice department executive order forbidding agents and employees from disclosing information about their work.

U.S. attorney Louis C. Lacour said Atty. Gen. Ramsey Clark ordered Kennedy not to testify.

BRIEF FILED

The state's answer, filed in a brief before Criminal District Court Judge Bernard J. Bagert, said:

"The U.S. attorney general has attempted by executive order . . . to remove from the judiciary its inherent right and power to determine the validity . . . of an asserted privilege."

Judge Bagert set a hearing on the matter for 10 a.m. Wednesday, the day the grand jury meets.

Kennedy's subpoena did not specify what matters he may be asked to discuss. In view of this, the state's answer said:

"There being no showing that the U.S. attorney general is clairvoyant and gifted with the power of prophecy, he is without justification or authority to predict the questions to be pronounced to agent Kennedy by Orleans Parish grand jury."

U.S. attorneys filed an amendment to their motion consisting of clippings from local newspapers, which they said alleged

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DA FILES REPLY

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that Kennedy would be questioned about "the circumstances of the assassination of President John F. Kennedy."

In Washington, Louisiana Atty. Gen. Jack P. F. Gremillion said he has no knowledge about a tape recording of an alleged bribery attempt attributed to the district attorney's office by Burton Klein, an attorney for one of the probe principals.

Gremillion, attending a gas rate hearing, said no tape had arrived in his Baton Rouge office as of Saturday, the last time he was in touch with the office.

Klein, who represents Alvin Beaubouef, one-time roommate of the late David W. Ferrie, has accused a Garrison investigator of attempting to bribe his client to give false testimony.